



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

April 7, 2015



RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-1490

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Kristi Logan
State Hearing Officer
Member, State Board of Review

Encl: Claimant's Recourse to Hearing Decision
Form IG-BR-29

cc: Matthew Attwood, Raleigh County DHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW**

██████████,

Claimant,

v.

Action Number: 15-BOR-1490

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on April 2, 2015, on an appeal filed February 20, 2015.

The matter before the Hearing Officer arises from the February 9, 2015, decision by the Respondent to deny the Claimant's application for Low Income Energy Assistance Program (LIEAP) benefits.

At the hearing, the Respondent appeared by Matthew Attwood, Economic Service Worker. The Claimant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Department's Summary
- D-2 Hearing Request received February 20, 2015
- D-3 LIEAP Application received February 9, 2015
- D-4 Notice of Decision dated February 9, 2015
- D-5 Case Comments from February 2015-March 2015

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Claimant applied for LIEAP on February 9, 2015. The Department issued a Notice of Decision (D-2) on February 9, 2015, advising the Claimant that her application had been denied.
- 2) The Department's representative testified that the last day to apply for LIEAP was February 6, 2015. The Claimant's application (D-3) was not received by the Department until February 9, 2015, with a postmarked date of February 7, 2015. LIEAP benefits were denied as the Claimant failed to apply prior to the closure of the program.
- 3) The Claimant testified that she mailed the LIEAP application on February 3, 2015. She called the post office and was advised that due to closures of local post office locations and inclement weather, there was no guarantee when mail could be delivered. The Claimant stated she did not realize that her application would not be delivered before the program ended.

APPLICABLE POLICY

WV Income Maintenance Manual §26.1 states that LIEAP is a time-limited program and dependent on the availability of federal funds. It is subject to closure without prior notice when funds are deemed to have been exhausted.

DISCUSSION

LIEAP ended February 6, 2015, when available funding for the program had been exhausted. The Claimant's application was not received by the Department until February 9, 2015. While the Claimant could not have foreseen the delay in the delivery of her application by the post office, LIEAP benefits could not be approved due to the untimely submission of her application.

CONCLUSION OF LAW

Whereas the Claimant failed to submit her LIEAP application prior to the closure of the program, LIEAP benefits were correctly denied.

DECISION

It is the decision of the State Hearing Officer to **uphold** the denial of the Claimant's application for Low Income Energy Assistance Program benefits.

ENTERED this 7th day of April 2015

**Kristi Logan
State Hearing Officer**